

Exhibit C



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August 11, 2011

Jill A. Eggleston
Director, FOIA Operations
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010
E-mail: uscis.foia@dhs.gov

Re: Freedom of Information Act Request Reference Number COW2011000252

Dear Ms. Eggleston:

We are in receipt of your letter dated April 15, 2011, acknowledging receipt of our March 14, 2011, FOIA request for all records prepared, received, transmitted, collected and/or maintained by the U.S. Department of Homeland Security and/or U.S. Citizenship and Immigration Services (USCIS) which relate or refer in any way to any of the following:

- Attorneys' ability to be present during their clients' interactions with USCIS;
- What role attorneys may play during their clients' interactions with USCIS;
- Attorney conduct during interactions with USCIS on behalf of their clients; and
- Attorney appearances at USCIS offices or other facilities.

It has been nearly four months since you acknowledged receipt of our FOIA request. On July 12, in response to a status inquiry from our office, you indicated by letter that USCIS is working on processing our request, but that our request is currently number 253 of 357 pending requests in Track One.

When a party submits a FOIA request, the agency has 20 business days to determine whether to produce records responsive to the request. 5 U.S.C. § 552(a)(6)(A)(i). In unusual circumstances, this deadline may be extended for a maximum of ten additional business days. 5 U.S.C. § 552(a)(6)(B)(i). When an agency fails to meet the response times required by FOIA, requesting parties may deem the agency's delay a denial of the FOIA request and appeal the denial. *See, e.g., Ruotolo v. Dep't of Justice*, 53 F.3d 4, 8 (2d Cir. 1995) ("[A]dministrative remedies are 'deemed exhausted' if the agency fails to comply with the 'applicable time limit' provisions of the FOIA."); *Voinche v. Fed. Bureau of Investigation*, 999 F.2d 962, 963 (5th Cir. 1993) ("If an

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agency has not complied within the statutory time limits of a FOIA request, the requestor shall be deemed to have exhausted his administrative remedies and [may] bring suit.”).

You have failed to respond to our FOIA request within the twenty days provided under the FOIA statute. Accordingly, please consider this letter an appeal of your constructive denial of our FOIA request.

Sincerely,

A handwritten signature in cursive script, reading "Emily Creighton". The signature is fluid and elegant, with a long, sweeping underline.

Emily Creighton
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